

ORDINANCE NO. 2001 - 030

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO BE KNOWN AS THE "CRIME PREVENTION FUND ORDINANCE", CREATED PURSUANT TO CHAPTER 775.083(2), FLORIDA STATUTES, PROVIDING FOR THE IMPOSITION OF FINES, PROVIDING FOR ACCOUNTING OF FUNDS; PROVIDING FOR USE OF FUNDS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature enacted Chapter 775.083(2), Florida Statutes, authorizing counties to adopt an ordinance to provide funding of crime prevention programs through the assessment of an additional fine; and

WHEREAS, pursuant to statute, the Sheriff's Office must be consulted regarding the expenditure of such fines; and

WHEREAS, the Sheriff acknowledges that the full Criminal Justice Commission should be the advisory board on this matter; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida has reviewed Chapter 775.083(2), Florida Statutes, and believes that the assessment of an additional fine to fund crime prevention programs in the County is a worthwhile cause; and

WHEREAS, the establishment of this Ordinance is part of the Palm Beach County Criminal Justice Commission's plan to identify permanent funding solutions for its successful initiatives, many of which are grant funded; and

WHEREAS, the Board of County Commissioners is desirous of establishing such funding.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF
COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. TITLE:

This Ordinance shall be known as the "Palm Beach County Crime Prevention Fund Ordinance".

Section 2. ASSESSMENTS IMPOSED:

A. A Crime Prevention Program Fund shall be established as per Chapter 775.083(2), Florida Statutes. In addition to any other fine, penalty, or cost imposed by Chapter 775.083(1) Florida Statutes, or any other provision of law, the court shall assess a fine upon any person who, with respect to a charge, indictment, or prosecution commenced in Palm Beach County, pleads guilty or nolo contendere to, or is convicted of or adjudicated delinquent for, a felony, a misdemeanor, or a criminal traffic offense under state law, or a violation of any municipal or county ordinance if the violation constitutes a misdemeanor under state law.

B. The fine shall be \$50.00 for a felony and \$20.00 for any other offense. When the defendant enters the plea or is convicted or adjudicated, in a court in Palm Beach County, the court shall order the defendant to pay such fine if the court finds that the defendant has the ability to pay the fine and that the defendant would not be prevented thereby from being rehabilitated or making restitution.

C. The Clerk of the Court shall collect and deposit the assessments collected pursuant to this Ordinance in an appropriate designated county account established by the Clerk of the Court, which shall be a separate interest bearing trust fund for disbursement to the County as needed for the implementation and operation of crime prevention programs.

D. The Clerk of the Court shall withhold five percent of the assessments each court collects pursuant to this Ordinance for the costs of administering the collection of assessments under this Ordinance.

E. The County shall account for the fines separately from other county funds, as crime prevention funds.

Section 4. Use of Funds:

The County, in consultation with the Sheriff and the Criminal Justice Commission, must expend such fines exclusively for the costs of collecting the fines and for crime prevention programs in the County, including safe neighborhood programs under Chapter 163.501-163.523, Florida Statutes.

Section 5. REPEAL OF LAWS IN CONFLICT:

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 6. SEVERABILITY:

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 7. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 8. EFFECTIVE DATE:

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm
Beach County, Florida, on this the 24 day of July, 2001.

DOROTHY H. WILKEN, CLERK

Board of County Commissioners

By: 

Deputy Clerk



PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: 

Warren H. Newell, Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 

County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 3rd day of
August, 2001.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on July 24, 2001
DATED at West Palm Beach, FL on 8/16/01
DOROTHY H. WILKEN, Clerk
By: Nicole Brown D.C.